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Robert W. Holland HAMILTON & TERRILE, LLP PO Box 203518 Austin, TX 78720				
EXAMINER				
ZENATI, AMAL S				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/776,775

**Applicant(s)**

PAGEL ET AL.

**Examiner**

AMAL ZENATI

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 29 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**2DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 - 23** are rejected under 35 U.S.C 102 (b) as being anticipated by **Svoronos et al (US Patent # 5,802,161; hereinafter Svoronos)**

Consider **claim 1, Svoronos** clearly shows and discloses a system for coordinating the updating of contact records associated with one or more contact devices, the contact devices performing a campaign of outbound contact attempts with the contact records, the system comprising: a contact record database operable to communicate contact records with the one or more contact devices during the campaign, each contact record associating one or more contact individuals, one or more contact numbers and one or more contact results (col. 15, claim 12, lines 30 - 46); a contact update engine interfaced with the contact record database and operable to identify one or more contact records for update of the associated contact numbers based on one or more update factors (function or value entered by user) (col. 7, lines 54-61; col. 8, lines 23-26); an update resource interface operable to obtain updated contact numbers for the identified contact records from one or more update resources (col. 7, lines 14-16); and an update validation engine operable to validate updated contact records and communicate the validated contact records to the contact record database for appropriate action by the contact devices during the campaign (col. 9, lines 21-34).

Consider **claim 2, Svoronos** clearly shows the system, wherein the account update engine comprises a rules-based engine and the update factors comprise one or more rules, the rules- based engine

operable to identify one or more contact records for updating if the contact results associated with a contact record meet one or more of the rules (col. 12, lines 1-7).

Consider **claim 3, Svoronos** clearly shows the system, wherein a rule comprises a contact result of an inoperable (wrong) number (col. 12, lines 13-14).

Consider **claim 4, Svoronos** clearly shows the system, wherein the contact results comprise the number of previous updates associated with a contact record and a rule comprises updating only accounts with less than a predetermined number of previous updates (col. 11, lines 55-61).

Consider **claim 5, Svoronos** clearly shows the system, wherein the update resource interface is further operable to select one of plural update resources based on the contact results and one or more update factors (col. 10, lines 41-46).

Consider **claim 6, Svoronos** clearly shows the system, wherein the account update engine comprises a predictive model and the update factors comprise one or more predictive parameters, the model operable to identify a contact record for updating if application of the contact results associated with the contact record predict a predetermined result (col. 11, lines 13-20).

Consider **claim 7, Svoronos** clearly shows the system, wherein the model comprises a logistic regression model of the probability to cure with an updated contact record (col. 11, lines 30-33).

Consider **claim 8, Svoronos** clearly shows and discloses a method for coordinating the updating of contact records, the method comprising: performing contact attempts with one or more contact devices using plural contact records, each contact record having contact information (col. 4, lines 64-65); identifying contact records having contact attempts with a result of no contact (col. 4, lines 11-14); selecting based on one or more update factors one or more of the identified contact records for updating of associated contact information (col. 4, lines 64-67); obtaining updated contact information for the selected contact records from an update resource (col. 5, lines 1-3); an re-attempting contact by a contact device with the updated contact information (col. 5, lines 26-30).

Consider **claim 9, Svoronos** clearly shows the method, wherein selecting based on one or more update factors further comprises selecting contact records having contact information that meets one or more rules (col. 12 , lines 1-7).

Consider **claim 10, Svoronos** clearly shows the method, wherein a rule comprises a delinquent balance of greater than a predetermined amount (col. 13, claim 2-a).

Consider **claim 11, Svoronos** clearly shows the method, wherein a rule comprises less than a predetermined number of previous contact information updates (col. 13, claim 2-a).

Consider **claim 12, Svoronos** clearly shows the method and the system, wherein selecting based on one or more update factors further comprises: applying the contact information to a model to predict a result of an update; and selecting contact records having a predetermined predicted result (col. 4, lines 21-22; and claim 6).

Consider **claim 13, Svoronos** clearly shows the method, wherein the predetermined predicted result comprises likelihood of cure from updated contact information resulting in value greater than the cost of the contact information update (col. 2, lines 65-67; col. 3, lines 1-4).

Consider **claims 14, Svoronos** clearly shows the method, wherein the model comprises a logistic regression model predictive of cost of contact (col. 4, line 20).

Consider **claim 15, Svoronos** clearly shows and discloses a system for contacting individuals, the system comprising: plural dialers, each dialer operable to dial outbound telephone calls to individuals, each individual having one or more associated contact records with one or more numbers for a dialer to dial (col. 5, lines 19-21 and line 26); a contact record database interfaced with the dialers and operable to provide the dialers with contact records to dial, the contact record database further operable to receive results of contact attempts by the dialers to the numbers of the contact records(col. 5, lines 27-34); a contact update engine interfaced with the contact record database and operable to select contact records to update associated contact numbers based on update factors (col. 15, lines 52-56); and an update resource

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interface operable to obtain updates for the selected contact records from one or more update resources, the update resource interface communicating the updates to the contact record database for use by the dialers (col.16 , lines 1-6).

Consider **claim 16, Svoronos** clearly shows the system, wherein the contact update engine comprises a rules-based engine having a rule of obtaining an update for contact results of wrong number (col. 4 , lines 9-15).

Consider **claim 17, Svoronos** clearly shows the system, wherein the contact update engine comprises a model of the likelihood of success from a contact attempt with an updated contact number (col. 14, claim 5).

Consider **claim 18, Svoronos** clearly shows the system, wherein the contact record database provides updates (action result) to dialers on a real time basis (each contact attempt period) (col. 14, claim 8).

Consider **claim 19, Svoronos** clearly shows the system, wherein the update resource interface is further operable to select one of plural update resources to update a contact record based at least in part on update cost (col. 13, claim 3- f).

Consider **claim 20, Svoronos** clearly shows the system, 15 wherein an update comprises a confidence rating of the relative accuracy of the update (col. 11, lines 15-20).

Consider **claim 21, Svoronos** clearly shows the system, wherein the contact update engine is further operable to perform plural updates of selected contact records (col. 16, claim 12-f).

Consider **claims 22, Svoronos** clearly shows the system, wherein the contact update engine is further operable to cumulate updated contact information for use as update factors (col. 9, lines 24-33).

Consider **claim 23, Svoronos** clearly shows the system, wherein the contact update engine is further operable to incorporate updated information (wrong or no contact) in a subsequent update request (col. 14, claim 8).

***Response to Arguments***

3. Applicants' arguments, with regards to Examiner's rejection under 35 U.S.C 102 (c), filed 29 April 2008 has been fully considered but they are not persuasive. claims 1 - 23 are now pending in the present application.
4. Applicants argue regarding the claims 1, 8, and 15 on pages 6-7 of the Applicant's Response that Svornos discloses the ordering of accounts for outbound contacts based upon a probability of making a right party contact. Svornos does not address the selection of accounts to update contact information based upon update factors.

The Examiner respectfully disagrees with Applicants' arguments; Svornos discloses in the cited reference that an account storage device to store data relating to the accounts to be processed and parameters used in the optimization process, the system also includes a download connection or download means for enabling the account storage device to receive an account data file containing information on the desired accounts to be processed (**Svornos: col. 4, lines 1-3**); furthermore, Svornos discloses that the account data file can be modified (update) (**col. 4, lines 15-23**). Examiner interprets the term "the selection of accounts to update contact information based upon update factors" in the light of the specification, Svornos clearly teaches in the cited reference "the priority value for each account is determined using the function or value (factors) entered by the user at step 56 through the user input 26 associated with the first processor 16" (**Svornos: col. 8, lines 23-26**) comparing with **the specification in page 56, lines 11-13**, the specification states "Contact update engine 400 applies user selectable update factors 402 to identify and select contact records for updating." Moreover, Svornos teaches determining priority value could be number of delinquencies in the past year" (**Svornos: col. 8, lines 18- 20**) comparing with **the specification in page 56, lines 28-29**, the specification gives an example of

update factors to select contact records for updating which is the number of delinquent account for an individual, and the source of previous skip traces. Therefore, Svornos addresses the selection of accounts to update contact information based upon update factors.

5. Therefore, in view of the above reasons, Examiner maintains rejections.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571- 270- 1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available



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through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614

Examiner Amal Zenati  
/Amal Zenati/

July 21, 2008